

DETAILED ACTION

1 This action is responsive to the appeal brief filed on July 10, 2008.

EXAMINER'S AMENDMENT

2 An examiner's amendment to the record appears below. Should the changes and/or
additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR
1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the
payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with
William Valence on August 21, 2008.

The application has been amended as follows:

In the claims:

In claim 13, in line 1, after the phrase "A coated dye-containing pellet" insert -- for
coloring keratin fibers--.

3 Claims 13-24 are allowed.

STATEMENT OF REASONS FOR ALLOWANCE

4 The following is an examiner's statement of reasons for allowance:

Upon further reviewing the teachings of the combined references (US' 195) and (US 077
A1), in the final rejection mailed on 12/17/2007, it is found that the references are not analogous
art because the primary reference (US' 195) discloses a coloring formulation for coloring cotton
fibers (non-keratin material) and does not required any percentage amounts of oxidation dye
precursor as claimed (see col. 6, lines 7-24). The secondary reference (US' 077 A1) discloses a
coloring formulation for coloring keratin materials and especially human keratin materials such

as the hair (see abstract) and wherein the coloring formulation comprises oxidation dye precursors (see page 5, Example 2 and page 6, paragraph, 0113). Therefore, the combined references are not analogous art. Accordingly, the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of keratin fibers coloring formulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 1796

Page 4

/Eisa B Elhilo/
Primary Examiner, Art Unit 1796
August 22, 2008